IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

Bail Appl..No. 5598 of 2007()

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CRIME NO. 612/07 OF MATHILAKAM POLICE STATION

PETITIONER/ACCUSED

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KABEER, S/O.AHAMMU,
THADATHIL HOUSE, KAIPAMANGALAM P.O.,
THRISSUR.

BY ADV. SRI.K.A.SREEJITH
SRI.N.R.SANTHOSH

RESPONDENTS:

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STATE OF KERALA REP.BY S.I. OF POLICE,
MATHILAKAM POLICE STATION, THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

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B.A.No. 5598 of 2007

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Dated this the 25th day of September, 2007

**O R D E R**

Application for anticipatory bail. The petitioner is the sole accused in a crime registered under Sections 420 and 468 I.P.C. The crux of the allegations is that one Jamal had applied for a loan from a bank. The petitioner and the Power of Attorney holder of the said Jamal had produced a possession certificate before the bank. That certificate was sent for verification. It was realised that it was not a genuine certificate. On the complaint of the Revenue officials the F.I.R. has been registered. In the mean time, the petitioner has allegedly wiped of the entire liability and taken back the document, including the original of the alleged forged certificate. The bank does not have any complaint now. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Prosecutor does not oppose the said prayer and I am satisfied that directions under Section 438 Cr.P.C. can be issued in favour of the petitioner, subject to appropriate conditions which shall ensure the interests of a fair, efficient and expeditious investigation.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 3.10.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 4.10.07, 5.10.2007 and 6.10.07. During this period, the Investigating Officer shall be entitled to interrogate the petitioner in custody and take necessary steps in the investigation. Thereafter the petitioner shall appear on all Mondays and Fridays between 10 a.m. and 12 noon for a period of one month and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 3.10.07 and the

police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 3.10.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 3.10.2007.

**(R. BASANT)**
Judge

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